

Conference Committee Report on Senate Joint Resolution 1

The Senate resumed consideration of the pending business, same being the adoption of the Conference Committee Report on S. J. R. No. 1.

Question—Shall the Conference Committee Report on S. J. R. No. 1 be adopted?

(Pending further discussion by Senator Corbin of the Conference Committee Report on S. J. R. No. 1, Senators Latimer, Aikin and Lane and the President Pro Tempore occupied the Chair.)

(Senator Aikin in the Chair.)

(Pending further discussion by Senator Corbin of the Conference Committee Report on S. J. R. No. 1, Senators Kazen and Latimer occupied the Chair.)

(Senator Aikin in the Chair.)

(Pending further discussion by Senator Corbin of S. J. R. No. 1, Senators Roberts and Lock occupied the Chair.)

May 18, 1955

(Senator Aikin in the Chair.)

(Pending further discussion by Senator Corbin of S. J. R. No. 1, Senators Hardeman, Strauss and Aikin occupied the Chair.)

(Senator Lane in the Chair.)

(Pending further discussion by Senator Corbin of S. J. R. No. 1, Senators Aikin and Hardeman occupied the Chair.)

(Senator Hardeman in the Chair.)

(Pending further discussion by Senator Corbin of S. J. R. No. 1, Senator Aikin occupied the Chair.)

(President in the Chair.)

(Pending further discussion by Senator Corbin of S. J. R. No. 1, Senator Roberts occupied the Chair.)

(Senator Hardeman in the Chair.)

Question—Shall the Conference Committee Report on S. J. R. No. 1 be adopted?

Adjournment

On motion of Senator Weinert, the Senate, at 6:20 o'clock p. m., adjourned until 10:30 o'clock a. m. tomorrow.

SIXTY-THIRD DAY

(Thursday, May 19, 1955)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Moffett
Ashley	Moore
Bracewell	Owen
Colson	Parkhouse
Corbin	Phillips
Fly	Ratliff
Fuller	Roberts
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Weinert
McDonald	Willis

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

Our Father, Thou hast said, "Come now, let us reason together, though your sins be as scarlet, they shall be white as snow." As we reason over our sins, make us to be reasonable one with the other over our problems; and in our distress lift our eyes unto the hills from whence cometh our help. For Christ's sake. Amen.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Senate Concurrent Resolution 72 on First Reading

Senator Ashley moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a resolution, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—25

Aikin	Martin
Ashley	McDonald
Bracewell	Moffett
Colson	Moore
Corbin	Parkhouse
Fly	Ratliff
Fuller	Roberts
Hardeman	Secrest
Kazen	Shireman
Kelley	Strauss
Lane	Weinert
Latimer	Willis
Lock	

Absent

Hazlewood	Rogers
Owen	of Childress
Phillips	Rogers of Travis
	Wagonseller

The following resolution was then introduced, read first time and referred to the committee indicated:

S. C. R. No. 72, Granting Northern Natural Gas Company permission to sue the State of Texas.

Whereas, Northern Natural Gas Co. is a Delaware Corporation with a permit to do business in the State of Texas, and has been doing business continuously in Texas since 1934; and

Whereas, The said Northern Natural Gas Company paid to the State of Texas gas gathering taxes beginning in the month of September, 1951, and continuing through December, 1953, said taxes being levied by Section XXIII of House Bill No. 285, Chapter 402, page 740, Acts of the Fifty-second Legislature of the State of Texas which became effective September 1, 1951, and which said Act has been declared unconstitutional by the Supreme Court of the United States in the cases styled Michigan-Wisconsin Pipeline Company vs. Robert S. Calvert, et al., and Panhandle Eastern Pipeline Company vs. Robert S. Calvert, et al., 347 U. S. 157, 74 S.C. 396; and

Whereas, The United States Supreme Court has held that taxes paid under this Act were illegally and unlawfully extracted and that said Act was void and of no force and effect; and

Whereas, There is no provision of law whereby this money unlawfully extracted can be returned or recov-

ered except through a direct appropriation by the Legislature; and

Whereas, There is no provision in the laws of the State of Texas to accurately and definitely determine what amount of taxes, if any, should be returned; and

Whereas, In order to definitely and accurately determine the same, it is the policy of this Legislature to let a court of competent jurisdiction pass upon the same; and

Whereas, The Attorney General of this State is requested to have the questions of law involved finally settled in the Supreme Court of Texas; now, therefore, be it

Resolved, by the Senate of Texas with the House of Representatives concurring, That Northern Natural Gas Co. be, and it is hereby granted permission to bring suit against the State of Texas in any court of competent jurisdiction in Travis County, Texas, to recover judgment against the State of Texas for all amounts of money heretofore illegally extracted and paid by Northern Natural Gas Company under said unconstitutional law and service of citation for the purposes herein granted may be served upon the State of Texas by serving the Attorney General, the State Treasurer and the Comptroller of Public Accounts; and, be it further

Resolved, That such suit may be filed within two (2) years from the effective date of this resolution; and, be it further

Resolved, That it is understood that the purpose of this resolution is solely to grant permission to bring suit against the State of Texas and no admission of the liability on the part of the State or of any fact is made by this resolution; and, be it further

Resolved, That no interest shall be paid Northern Natural Gas Company in the event a final judgment is obtained by it for recovery of taxes paid under House Bill No. 285, Fifty-second Legislature; provided if a final judgment is obtained by the Northern Natural Gas Company all increases in rates obtained on the basis of taxes paid under House Bill No. 285, Regular Session, Fifty-second Legislature, shall be refunded in full to all those having paid such rate increase.

To the Committee on Civil Jurisprudence.

Senate Resolution 365

Senator Aikin offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate the Freshman and Sophomore Classes of Boxelder School, Red River County, accompanied by their teacher or sponsor, Mr. and Mrs. Dewitt Medford; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State Government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Aikin, by unanimous consent, presented the students and Mr. and Mrs. Medford to the Members of the Senate.

Report of Standing Committee

Senator Moffett submitted the following report:

Austin, Texas,
May 19, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Agriculture, to whom was referred H. B. No. 485, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Chairman.

Senate Bill 441 on First Reading

Senator Hardeman moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—25

Aikin
Ashley

Bracewell
Colson

Corbin
Fly
Fuller
Hardeman
Kazen
Kelley
Lane
Latimer
Lock
Martin
McDonald

Moffett
Moore
Parkhouse
Ratliff
Roberts
Secrest
Shireman
Strauss
Weinert
Willis

Absent

Hazlewood
Owen
Phillips

Rogers
of Childress
Rogers of Travis
Wagon seller

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Hardeman:

S. B. No. 441, A bill to be entitled "An Act providing for the fixing of compensation of judges of district courts in counties in this State which comprise a part of a judicial district consisting of not less than four (4) counties, of which two (2) of said counties have two (2) or more district courts; providing the manner of payment; establishing a limitation of the amount of such compensation; providing for validity of remaining portion of Act if any part declared unconstitutional; and declaring an emergency."

To the Committee on State Affairs.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
May 19, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 930, A bill to be entitled "An Act authorizing any County in this State which borders on a river between the State of Texas and the Republic of Mexico to construct, acquire, improve, operate, maintain and repair a toll bridge or bridges with all rights, franchises and appurtenant properties and to pay therefor by the issuance of revenue bonds; providing that if any existing toll bridge or bridges are so acquired by purchase from the owner or owners thereof, such may be accomplished by purchase of the properties as such, or,

if such be owned by a private corporation, either by purchase from it of the properties, as such, or by purchasing the capital stock of such corporation, or a sufficient amount thereof as required under the law for dissolution and liquidation of such corporation, such county to take title to such stock either in its own name or in the name of a trustee therefor and voting or causing such stock to be voted to carry out such purposes, all in such manner as to vest title to such toll bridge or bridges with all rights, franchises and appurtenances in such county; authorizing any such county acquiring such toll bridge or bridges to maintain, operate, control, repair, improve and maintain same and to such end to have all rights and privileges of condemnation under the powers of eminent domain accruing to counties of this State for public purposes under general law; providing that any such county may fix, enforce and collect tolls, fees and charges for the use of such toll bridge or bridges, which shall be just, reasonable and nondiscriminatory with no free service until all bonds and other obligations incident thereto have been fully paid, met and discharged; authorizing any such county acquiring any such toll bridge or bridges and as incident thereto to purchase, construct, maintain and operate parks, recreations grounds and facilities, camps, quarters and accommodations and facilities for the use and convenience of the public, and to fix, enforce and collect fees, rentals and charges for the use thereof, which shall be reasonable and nondiscriminatory and to make and enforce reasonable rules and regulations therefor; authorizing any such county to borrow money from any person or corporation and to borrow money and accept grants from and enter into agreements with the United States of America or any corporation or agency created or designated by it; authorizing any such county to accomplish any and all of the purposes of this Act by the issuance, sale and delivery of negotiable bonds and to pledge all or any part of or any interest in such toll bridge or bridges or any other property acquired with such bonds or the proceeds thereof, and all or any part of the gross or net revenues of such properties to secure the payment of such bonds, the interest thereon and to support such other funds and covenants as may be agreed upon by such county and the purchasers of such bonds; prescribing

other details with respect to the acquisition or purchase of such properties, the maintenance, operation, control and regulation thereof, and the issuance, sale and delivery of such bonds including the right to submit them to the Attorney General of Texas for his approval and to the Comptroller of Public Accounts for registration; providing for the issuance of subsequent bonds on a parity with outstanding bonds under certain conditions; providing that any bonds issued hereunder shall never be a debt of the issuing county but solely a charge upon the revenues of the toll bridge or bridges and appurtenances acquired with the proceeds thereof; providing no such county shall issue bonds, enter into contracts or incur other obligations hereunder which are to be met or discharged out of taxes or property assessments; providing that such properties may be acquired and bonds may be issued by resolution or order of the Commissioners' Court and without the necessity of any referendum or election or notice of intention or necessity of advertising or calling for competitive bids; providing for the issuance of refunding bonds; providing that any properties acquired by any county hereunder shall be exempt from taxation within this State; etc.; and declaring an emergency."

S. B. No. 254, A bill to be entitled "An Act requiring the taking of a course in history, ideals, and traditions of the American way of life by every person receiving a degree from any state supported College or University; and declaring an emergency."

(With amendments.)

Respectfully submitted,

DOROTHY HALLMAN,

Chief Clerk, House of Representatives.

Senate Resolution 364

Senator Moore offered the following resolution:

Whereas, The delegated officials of the Southwestern Conference have very recently made an investigation of the "recruiting" activities of the athletic staff and alumni of the A. & M. College of Texas in which the outstanding high school football players in Texas High Schools had signed letters of intent to enroll in said College in the fall of 1955; and

Whereas, As a result of these in-

vestigations, these Conference Officials saw fit to place this College on a two-year probation period and declare void the letters of intent signed by these outstanding schoolboy athletes, thereby making the services of these fine young men available to other colleges and universities in the Southwestern Conference; and

Whereas, In prior years, rumors have been circulated as to the activities of other Colleges and Universities as to "recruiting activities" that, if true would have violated the Conference rules; and

Whereas, Some of the rumors were specific in naming certain graduates of the Austin High School, class of '49, to-wit, that Bobby Warren was offered a scholarship at Texas A. & M., but enrolled in Rice Institute because he is alleged to have said that he would be able to support his widowed mother on the money he would be paid for attending that school; that Seaholm, an all-state high school center on the 1948 Austin High School football team was offered a scholarship at Texas A. & M. but chose to enroll at the University of Texas because he is alleged to have said that he was to be given a Buick automobile as a "bonus" to attend this school, and Stan Studer, a graduate of Austin High School, in the same year was purported to have enrolled at the University of Texas because of a like offer; and

Whereas, According to rumors, this same delegated body of college officials only last year initiated an investigation of the tactics of Paul "Bear" Bryant as the result of his recruiting activities at Texas A. & M. but concluded the investigation rather hurriedly when he confronted them with rumored activities of other Colleges and Universities in the same field of endeavor; and

Whereas, Rumors are prevalent as to the "recruiting" activities of all other schools in the Southwestern Conference; and

Whereas, Texas A. & M. College of Texas, through its R.O.T.C. Units, has been busily engaged in the years since 1941 in furnishing leadership to our military organizations of the United States, furnishing more officers than any school in these United States to our armed forces in leadership unexcelled, to the end that our fighting forces have been all victorious, and since the cessation of hostilities is once again trying to regain a place in the field of athletics in the South-

west Conference; has employed an athletic staff probably the envy of every school in the Conference, and successful in encouraging attendance at that school of some of the outstanding high school athletes of this State; now, therefore, be it

Resolved, That the Senate of Texas request its permanent investigating committee to investigate diligently the activities of the coaching staff and alumni of every College and University, members of the Southwestern Conference and their "recruiting" activities; that this committee invite true sportsmen of this State to furnish any information they might have that would aid in the investigation and that the results of their findings be furnished to the proper officials of the Southwestern Conference.

MOORE
STRAUSS

The resolution was read.

On motion of Senator Moore, and by unanimous consent, Senator Strauss was added as co-author of the resolution.

Senator Moore asked unanimous consent to consider the resolution at this time.

There was objection.

Senator Moore than moved to consider the resolution at this time.

The motion prevailed by the following vote:

Yeas—15

Bracewell	Owen
Colson	Parkhouse
Corbin	Phillips
Fuller	Roberts
Latimer	Rogers
McDonald	of Childress
Moffett	Shireman
Moore	Strauss

Nays—14

Aikin	Lane
Ashley	Lock
Fly	Martin
Hardeman	Ratliff
Hazlewood	Rogers of Travis
Kazen	Weinert
Kelley	Willis

Absent

Secrest	Wagonseller
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The President laid the resolution before the Senate for consideration at this time.

Senator Lane asked unanimous consent that the resolution be referred to the Committee on State Affairs.

There was objection.

Senator Lane then moved that the resolution be referred to the Committee on State Affairs.

The motion prevailed by the following vote:

Yeas—18

Aikin	Lock
Ashley	Martin
Fly	Parkhouse
Fuller	Phillips
Hardeman	Ratliff
Hazlewood	Rogers of Travis
Kazen	Secrest
Kelley	Weinert
Lane	Willis

Nays—13

Bracewell	Owen
Colson	Roberts
Corbin	Rogers
Latimer	of Childress
McDonald	Shireman
Moffett	Strauss
Moore	Wagonseller

The resolution was then referred to the Committee on State Affairs.

Bills Signed

The President signed, in the presence of the Senate, after the captions had been read, the following enrolled bills:

H. B. No. 593, A bill to be entitled "An Act reorganizing the 38th Judicial District; prescribing its jurisdiction and conforming the jurisdiction; creating the 139th Judicial District and prescribing its jurisdiction; etc.

S. B. No. 171, A bill to be entitled "An Act directing payment of certain miscellaneous claims and judgments out of the sum appropriated for that purpose in the General Appropriation Bill; making appropriations for and directing payment of certain miscellaneous claims and judgments out of other funds designated herein; requiring approval of claims in the manner specified in the Act before payment is made; and declaring an emergency."

S. B. No. 13, A bill to be entitled "An Act to amend Chapter 21 of the Insurance Code (Acts 52nd Leg., R. S. 1951, Ch. 491, p. 868) by adding

thereto a new Subchapter to be designated 'Subchapter F. Judicial Review' and a new Article to be numbered 'Article 21.44' providing for the judicial review of any regulation, order, decision, or administrative ruling of the Insurance Commission where not otherwise provided for in the Insurance Code; providing a severability clause; and declaring an emergency."

Presentation of Guests

Senator Lane, by unanimous consent, presented as guests of the Senate today, Mr. and Mrs. James H. Parker of Center to the Members of the Senate.

House Bill and Resolution on First Reading

The following bill and resolution, received from the House today, were read first time and referred to the committee indicated:

H. B. No. 930, To the Committee on Counties and County Boundaries.

H. C. R. No. 155, To the Committee on Civil Jurisprudence.

Conference Committee Report on Senate Joint Resolution 1

The President laid before the Senate the Conference Committee Report on S. J. R. No. 1 as pending business.

Question—Shall the Conference Committee Report on S. J. R. No. 1 be adopted?

The Conference Committee Report on S. J. R. No. 1 was adopted by the following vote:

Yeas—22

Aikin	Latimer
Ashley	Lock
Bracewell	Parkhouse
Colson	Phillips
Fly	Ratliff
Fuller	Rogers of Travis
Hardeman	Secrest
Hazlewood	Shireman
Kazen	Wagonseller
Kelley	Weinert
Lane	Willis

Nays—9

Corbin	Owen
Martin	Roberts
McDonald	Rogers
Moffett	of Childress
Moore	Strauss

Motion to Place House Bill 20 on Second Reading

Senator Parkhouse asked unanimous consent to suspend the regular order of business and take up H. B. No. 20 for consideration at this time.

There was objection.

Senator Parkhouse then moved to suspend the regular order of business and take up H. B. No. 20 for consideration at this time.

The motion was lost by the following vote (not receiving two-thirds vote of the Members present):

Yeas—17

Ashley	Moffett
Bracewell	Moore
Colson	Parkhouse
Fuller	Phillips
Kazen	Roberts
Kelley	Secrest
Lock	Strauss
Martin	Willis
McDonald	

Nays—13

Aikin	Ratliff
Corbin	Rogers
Fly	of Childress
Hardeman	Rogers of Travis
Hazlewood	Shireman
Lane	Wagonseller
Owen	Weinert

Absent

Latimer

(Senator Hardeman in the Chair.)

Report of Standing Committee

Senator Fly by unanimous consent, submitted the following report:

Austin, Texas,
May 19, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties and County Boupndaries, to whom was referred H. B. No. 930, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

FLY, Chairman.

House Bill 930 Ordered Not Printed

On motion of Senator Kelley and

by unanimous consent, H. B. No. 930 was ordered not printed.

Reports of Standing Committee

Senator Lane, by unanimous consent, submitted the following reports:

Austin, Texas,
May 19, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. C. R. No. 155, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
May 19, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. C. R. No. 116, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
May 19, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence to whom was referred S. C. R. No. 72, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

House Concurrent Resolution 155 Ordered Not Printed

On motion of Senator Weinert and by unanimous consent, H. C. R. No. 155 was ordered not printed.

House Concurrent Resolution 155 on Second Reading

The Presiding Officer laid before the Senate on its second reading the following resolution:

H. C. R. No. 155, Granting permission to R. L. Turner to sue the State of Texas and the Veterans Land Board of Texas.

The resolution was read the second time.

On motion of Senator Weinert and by unanimous consent, the resolution was considered immediately and was adopted by the following vote:

Yeas—31

Aikin	Moffett
Ashley	Moore
Bracewell	Owen
Colson	Parkhouse
Corbin	Phillips
Fly	Ratliff
Fuller	Roberts
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Weinert
McDonald	Willis

(President in the Chair.)

Motion to Place House Joint Resolution 17 on Second Reading

Senator Hazlewood asked unanimous consent to suspend the regular order of business and take up H. J. R. No. 17 for consideration at this time.

There was objection.

Senator Hazlewood then moved to suspend the regular order of business and take up H. J. R. No. 17 for consideration at this time.

The motion was lost by the following vote (not receiving two-thirds vote of the Members present):

Yeas—19

Aikin	Lock
Colson	Parkhouse
Corbin	Ratliff
Fly	Rogers
Fuller	of Childress
Hardeman	Rogers of Travis
Hazlewood	Shireman
Kelley	Strauss
Lane	Wagonseller
Latimer	Weinert

Nays—10

Ashley	Owen
Bracewell	Phillips
Martin	Roberts
McDonald	Secrest
Moore	Willis

Absent

Kazen Moffett

Conference Committee Report on Senate Bill 276

Senator Ashley submitted the following Conference Committee Report on S. B. No. 276:

Austin, Texas,
May 17, 1955.

Hon. Ben Ramsey, President of the Senate.

Hon. Jim Lindsey, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S. B. No. 276, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form attached.

ASHLEY
LANE
KAZEN
McDONALD

On the part of the Senate.

JOHNSON
BERRY
HALE
KING
LEHMAN

On the part of the House.

S. B. No. 276, A bill to be entitled "An Act amending Article 2324, Revised Civil Statutes of Texas, 1925, revising the fees which court reporters may charge for transcripts of evidence; amending Article 2075, Revised Civil Statutes of Texas, 1925, taxing stenographer's fees; repealing Article 2325, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Article 2324 of the Revised Civil Statutes of Texas, 1925, is hereby amended to read as follows:

"Article 2324. Duty of Reporter. Each official court reporter shall:

"Attend all sessions of the court; take full shorthand notes of all oral testimony offered in every case tried in said court, together with all objections to the admissibility of the evidence, the rulings and remarks of the court thereon, and all exceptions thereto; take full shorthand notes of

closing arguments when requested so to do by the attorney for any party to such case, together with all objections to such arguments, the rulings and remarks of the court thereon, and all exceptions thereto;

"Preserve all shorthand notes taken in said court for future use or reference for a full year, and furnish to any person a transcript in question and answer form of all such evidence or other proceedings, or any portion thereof as such person may order, upon the payment to him of the fees provided by law.

"When any party to any suit reported by any such reporter shall desire a transcript of the evidence in said suit, said party may apply for same and the reporter shall make up such transcript and shall receive as compensation therefor the sum of not more than thirty cents per one hundred words for the original thereof. In the event said transcript should be ordered made in narrative form, then such reporter shall make up same in duplicate in narrative form, and shall receive as compensation therefor the sum of twenty cents per hundred words for the original; provided, however, that no charge shall be made for the duplicate copy, and provided further, that in case any reporter charges more than the fees herein allowed he shall be liable to the person paying the same a sum equal to four times the excess so paid.

"Provided further, that when such court reporter is requested to report the closing argument in any case, the clerk of the court shall tax as costs in such case the sum of Five Dollars (\$5.00). Said fee shall be paid as other costs in the case, and paid by said clerk, when collected, into the General Funds of the county in which said court sits; provided further, however, that if a transcript of such arguments or any portion thereof be ordered by any party, said reporter shall prepare same and charge therefor at the rate herein provided for transcripts in question and answer form; provided, that in case any reporter charges more than the fees herein allowed he shall be liable to the person paying the same a sum equal to four times the excess so paid."

Sec. 2. Article 2325 of the Revised Civil Statutes of Texas, 1925, is hereby repealed.

Sec. 3. Article 2075 of the Revised

Civil Statutes of Texas, 1925, as amended, is hereby amended to read as follows:

"Article 2075. Taxing Stenographer's Fees. The clerks of all courts having official reporters shall tax as costs in each civil case where an answer is filed, and a record or any part thereof is made of the evidence in said case by the official reporter, except suits to collect delinquent taxes, a stenographer's fee of Three Dollars (\$3.00). Said fee shall be paid as other costs in the case, and paid by said clerk, when collected, into the General Funds of the county in which said court sits; provided, however, that no stenographer's fee shall be taxed as costs in any civil case where no record or any part thereof is made of the evidence in the case by the official reporter."

Sec. 4. The fact that the fees allowed court reporters were fixed many years ago, and that the cost of living and the rate of fair compensation for services has greatly increased since that time, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended; and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was read and was adopted.

Record of Vote

Senator McDonald asked to be recorded as voting "nay" on the adoption of the Conference Committee Report on S. B. No. 276.

Conference Committee Report on Senate Bill 209

Senator Fly submitted the following Conference Committee Report on S. B. No. 209:

Austin, Texas,
May 16, 1955.

Hon. Ben Ramsey, President of the Senate.

Hon. Jim Lindsey, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S. B. No. 209, have met and had the same under consideration, and beg to report it back

with the recommendation that it do pass in the form attached.

FLY
LATIMER
KELLEY
OWEN
LANE

On the part of the Senate.

PYLE
BRADSHAW
HEATLEY
BERGMAN
SAUL

On the part of the House.

S. B. No. 209, A bill to be entitled "An Act amending House Bill No. 17, Acts of the 46th Legislature, Regular Session, 1939, as amended by Senate Bill No. 28, Acts of the 51st Legislature, Regular Session, 1949, Chapter 149; providing for the licensing and regulation of dealers in real estate; prohibiting the unlawful practice of law; defining terms; providing penalties for violation of this Act; providing a saving clause; and declaring an emergency."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. House Bill No. 17, Acts of the 46th Legislature, Regular Session, 1939, as amended by Senate Bill No. 28, Acts of the 51st Legislature, Regular Session, 1949, Chapter 149, is hereby amended so as to read as follows:

"Section 1. This Act shall be known and may be cited as 'The Real Estate License Act.'

"Section 2. The Texas Real Estate Commission.

"The administration of the provisions of this Act shall be vested in a commission, to be known as 'Texas Real Estate Commission,' consisting of six (6) members to be appointed by the Governor with the advice and consent of two-thirds of the Senate present. They shall hold office for six (6) years and until their successors are appointed, and have qualified. The members of the Commission in office at the effective date of this Act shall be present members of the Commission and shall continue in office until the 5th day of October of the years in which their present respective terms expire, and until their successors are appointed and qualified. Such Commission is hereafter referred to in this Act as 'Commission.'

"Each member of the Commission shall be a citizen of Texas and a qualified voter and shall be engaged in the real estate business for at least five (5) years next preceding his appointment, and shall have held a license as a regular real estate broker under House Bill No. 17, Acts of the Regular Session of the 46th Legislature, or any amendments thereto, at the time of his appointment and for five (5) years prior thereto.

"The members of the Commission shall receive their actual expenses while engaged in the performance of their duties, and per diem of Ten (\$10.00) Dollars per day not exceeding thirty (30) days for any one year.

"The Commission is hereby empowered to select and name an Administrator, who shall also act as Executive Secretary, and to select and employ such other subordinate officers and employees as shall be necessary to properly administer this Act. The salaries of the Administrator and such officers and employees shall be as fixed by the Commission not to exceed such amounts as are fixed by the General Appropriation Bill. The Commission may designate a subordinate officer as Assistant Administrator who shall be authorized to act for the Administrator in his absence or inability to perform his duties. The Administrator and such Assistant Administrator shall take the Constitutional oath of office, and shall furnish a bond payable to the Governor of Texas in the penal sum of Ten Thousand (\$10,000.00) Dollars conditioned upon the faithful performance of his duties as provided by law.

"The Commission is hereby empowered to enforce and administer the provisions of this Act and in the performance of such duties to conduct hearings, examinations and investigations. Upon receipt of written complaint it shall be the duty of the Commission to investigate persons engaging in the real estate business in this State to ascertain whether they are violating any of the provisions of this Act; to summon and require witnesses to be examined under oath; to administer oaths; to keep such records and minutes as shall be necessary to properly enforce the provisions of this Act; and to adopt such rules and regulations, not inconsistent with this Act, as shall be appropriate to its proper administration.

"Whenever in this Act a power, right or duty is conferred upon the

Commission, such power or right shall be exercised by the Administrator and such duty shall rest upon the Administrator unless the Commission shall otherwise order or direct by an order entered in the minutes of such Commission; and in such case, the power, right or duty shall rest in or on the Commission. Service of process upon the Administrator or the Assistant Administrator shall be service of process upon the Commission. Any reports, notices, applications, or instruments of any kind required to be filed with the Commission shall be considered filed with the Commission if filed with the Administrator. Where a decision, order or act of the Commission is referred to in this Act (other than an order of the Commission relative to the Administrator or his powers, rights, duties), it shall also mean and include any order, decision or act of the Administrator. Wherever the Commission is authorized herein to delegate authority or to designate agents, the Administrator shall have such rights and the power to so delegate authority and designate agents, unless the Commission shall enter its order in the minutes directing otherwise. The Administrator shall act as Manager, Secretary and Custodian of all records unless the Commission shall otherwise order, and shall devote his entire time to his office.

"Section 3. License Required.

"From and after the effective date of this Act it shall be unlawful for any person, partnership, association or corporation to engage in or carry on directly or indirectly, or to advertise or hold himself, itself, or themselves out as engaging in, or carrying on, the business, or to perform any act of a Real Estate Broker or a Real Estate Salesman, as herein defined, within this State, without first obtaining a license as a Real Estate Broker or Real Estate Salesman as provided for in this Act.

"Section 4. Definitions.

"The following terms shall, unless the context otherwise indicates, have the following meaning:

"(1) The term 'Real Estate Broker' shall mean and include any person who, for another or others and for compensation or with the intention or in the expectation or upon the promise of receiving or collecting compensation:

"(a) Sells, exchanges, purchases, rents or leases real estate;

"(b) Offers to sell, exchange, purchase, rent or lease real estate;

"(c) Negotiates, or offers or attempts or agrees to negotiate the sale, exchange, purchase, rental or leasing of real estate;

"(d) Lists or offers or attempts or agrees to list real estate for sale, rental, lease, exchange or trade;

"(e) Appraises or offers or attempts or agrees to appraise real estate;

"(f) Auctions, or offers or attempts or agrees to auction real estate;

"(g) Buys or sells or offers to buy or sell, or otherwise deals in options on real estate;

"(h) Collects or offers or attempts or agrees to collect rentals for the use of real estate;

"(i) Advertises or holds himself out as being engaged in the business of buying, selling, exchanging, renting or leasing real estate;

"(j) Procures or assists in the procuring of prospects, calculated to result in the sale, exchange, leasing or rental of real estate;

"(k) Procures or assists in the procuring of properties calculated to result in the sale, exchange, leasing or rental of any business enterprise, or sells, exchanges, purchases, rents, or leases any business enterprise;

"(l) Subdivides real estate into two or more parts or tracts which are to be sold, leased, exchanged or rented to others, or for the purpose of erecting buildings for residential or business purposes to be sold, leased, exchanged or rented.

"(2) The term 'Real Estate Broker' shall also include any person employed by or on behalf of the owner or owners of real estate at a stated salary or upon a commission or upon a salary and commission basis or other compensation to sell, exchange or offer for sale such real estate or any part thereof who shall sell, exchange or offer or attempt or agree to negotiate the sale or exchange of any lot or parcel of real estate; provided, however, if the owner of lots or other parcels is engaged in the business of buying, selling, exchanging, leasing, or renting a property and holding himself out as a full or part-time broker in real estate, then such person employed by said owner may be licensed as a salesman.

"(3) The term 'Real Estate Broker' shall also include any person, partnership, association, or corporation engaged in the business of buying, selling, exchanging, leasing, renting of property for himself or itself, or who

holds himself, themselves or itself out as a broker in real estate, or engages in the activities of a Real Estate Broker as an occupation, business, or profession on either a full or part-time basis.

"(4) The term 'Real Estate Salesman' shall mean and include any person employed or engaged by or in behalf of a licensed Real Estate Broker to do or deal in any act, acts, or transactions set out and comprehended by the definition of a 'Real Estate Broker' in Subdivisions (1), (2) and (3) of this Section. The term 'Real Estate Salesman' shall not include a partnership, association or corporation.

"(5) The word 'compensation' shall mean and include any fee, commission, salary, money or valuable consideration, as well as the promise thereof and whether contingent or otherwise.

"(6) the word 'person' shall mean and include any individual, firm, partnership, association or corporation.

"(7) If the sense requires it, words in the present tense include the future tense; in the masculine gender, include the feminine or neuter gender; in the singular number, include the plural number; in the plural number, include the singular number; 'and' may read 'or'; and 'or' may be read 'and.'

"Section 5. Acts Constituting Broker or Salesman.

"Any one act set out in Section 4, Subdivision (1), when performed for another or others for compensation or valuable consideration or with the intention or in the expectation or upon the promise of receiving or collecting compensation shall constitute a person, partnership, association, or a corporation performing, offering or attempting to perform such act or acts, a Real Estate Broker or a Real Estate Salesman within the meaning of this Act.

"Section 6. Exemptions.

"(1) The provisions of this Act shall not apply to the advertising, negotiation or consummation of any purchase, sale, rental or exchange of, or the borrowing or lending of money on, real estate by any person, firm, or corporation when such person, firm or corporation does not engage in the activities of a Real Estate Broker as an occupation, business or profession on a full or part-time basis.

"(2) The provisions of this Act shall not apply to acts performed in the management of property or investment funds by the owner thereof

or his regular employees, when such an owner or employee does not advertise or hold himself out as a broker in or salesman of real estate and does not conduct such management in a manner as to lead an ordinary person to believe that such owner or employee is a whole or part-time broker in or salesman of real estate.

"(3) The provisions of this Act shall not apply to any person acting as attorney-in-fact under a duly executed power of attorney from the owner authorizing the final consummation by performance of any contract for the sale, leasing, or exchanging of real estate, nor shall this Act be construed to include in any way services rendered by an attorney at law, nor shall it be held to apply to the acts of any person while acting as an escrow holder, receiver, trustee in bankruptcy, administrator or executor, or to any person doing any of the acts specified in this Act under order of any court, nor to apply to the trustee acting under a trust agreement, deed of trust or will, nor to the regular salaried employees thereof, nor shall this Act apply to public officers or employees while performing their duties as such.

"(4) This Act shall not apply to the sale, lease or transfer of any property when such sale, lease or transfer is made by the owner, or one of the owners, or the attorney for said owner or owners, or his or its regular employees, unless the owner or owners or the attorney for said owner or owners is engaged wholly or in part in the business of selling real estate.

"Section 7. Eligibility for License.

"(a) No individual applicant shall be eligible to be licensed under the terms of this Act unless such applicant is at the time of filing such application at least twenty-one (21) years of age, or shall have had his disabilities of minority removed as provided by law, an actual bona fide resident of this State and shall have been an actual bona fide resident of this State for at least sixty (60) days immediately preceding the filing of such application. No partnership or association shall be eligible to be licensed unless the members thereof have the above qualifications of an individual applicant. No corporation shall be licensed unless the officers thereof have the above qualifications of an individual applicant. Provided, however, the above provisions as to residence shall not apply to nonresident applicants who may apply for

license under the terms of Subdivision (b) hereinafter set forth.

"(b) A nonresident of this State may be licensed as a Real Estate Broker or Salesman providing such nonresident is at the time licensed as a broker in real estate under the laws of the State where he or it resides, and which said State has legal standards of qualification which the Commission finds equivalent to this Act; provided, however, that such nonresident must procure from the agency administering such law in such State, a certificate as to such license and recognizing and approving the reliability and standing of such nonresident in such other State, and file same with the Commission; provided further, that said nonresident licensee shall at all times maintain a place of business in this State in conformity with the requirements as to resident licensees. Nothing herein is intended to prohibit real estate transactions in this State by nonresidents if conducted by a resident licensed broker or salesman.

"Notwithstanding the foregoing provisions of this subsection a nonresident of this State who resides in a city whose boundaries are contiguous at any point to the boundaries of a city of this State, and who shall have been an actual bona fide resident thereof for at least sixty (60) days immediately preceding the filing of his application, shall be eligible to be licensed as a Real Estate Broker or Salesman under this Act in the same manner as a resident of this State. If he is licensed in this manner, he shall at all times maintain a place of business either in the city in which he resides or in the city in this State which is contiguous thereto, and he shall not maintain a place of business at any other location in this State unless he also complies with the requirements of the first paragraph of this subsection; and provided further, that such place of business must satisfy the requirements of subsection (a) of Section 13 below, but such place of business shall be deemed a definite place of business in this State within the meaning of said subsection (a) of Section 13 below.

"(c) Every nonresident applicant, before the issuance of license, shall file an irrevocable consent that suits and actions may be commenced against such applicant by service of process on the Administrator; and stipulating and agreeing that said service of process shall be taken and held by all

courts to be as valid and binding as if due service had been made upon said applicant personally within this State. The instrument containing such consent shall be executed and acknowledged by the applicant if an individual, by a partner if a partnership, by an officer if an association or corporation, and authenticated by the seal thereof if a corporation. All such applicants, except from individuals or partnerships shall be accompanied by a certified copy of a resolution authorizing the officer to execute the same. In case of any process or service upon the Commission, it shall be by duplicate copies, one of which shall be filed in the office of the Administrator, and the other immediately forwarded by registered mail to the main office of the applicant against whom said process is directed as stated in the instrument authorizing such service.

"(d) Any person, firm, partnership, association, or corporation holding a Real Estate Broker's license, who are nonresidents of the State shall pay the same filing fee as is required of resident licensees.

"Section 8. Application for License.

"(a) Any person desiring to act as a Real Estate Broker or Salesman in this State shall file with the Commission an application for license. The application shall be in such form and contain such information as the Commission may prescribe, including but not limited to the following:

"(1) The name and address of the applicant; and if the applicant shall be a partnership or association, the name and address of each member thereof; if it is a corporation, the name and address of each officer and each director thereof;

"(2) The name under which the business shall be conducted;

"(3) The place or places, including the street and number and the town, village or city and county, where the business is to be conducted;

"(4) The business or occupation engaged in by the applicant and every member or officer thereof for a period of not less than five (5) years immediately preceding the date of application;

"(5) The time and place and experience of the applicant and every member or officer thereof in the real estate business as a Real Estate Broker or Salesman;

"(6) Whether the applicant or any member or officer thereof has

ever been convicted of or is under indictment for forgery, embezzlement, obtaining money under false pretense, larceny, extortion, any crime involving moral turpitude, conspiracy to defraud or other like offense or offenses, and whether applicant or any member or officer thereof has ever had a license to engage in any occupation, business or profession cancelled, revoked or suspended and the reasons therefor;

"(7) Whether the applicant or any member or officer thereof has ever been refused a Real Estate Broker's or Salesman's license or any other occupational, business or professional license in this or any other State;

"(8) If the applicant is a partnership, association or corporation, the name of a designated member or officer thereof who is to carry on the activities of Real Estate Broker on behalf of the partnership, association or corporation, who shall be designated as agent of the partnership, association or corporation for that purpose;

"(9) If the applicant is a member of a partnership or association subject to being licensed hereunder, or an officer of any corporation subject to being licensed hereunder, the name and office address of the partnership, association or corporation of which said applicant is such member or officer;

"(10) Such application for a Broker's license shall be made by applicant. If such application is made by a partnership or association, it shall be filed by all members thereof. If made by a corporation, it shall be filed by the president and secretary thereof.

"(b) An individual's application shall be accompanied by recommendations of at least three (3) citizens not related to the applicant, who have owned real estate for a period of three (3) years or more in the county in which the applicant resides or intends to reside or establish his place of business, and who have known applicant for a period of three (3) years or more, which recommendation shall be under oath and shall certify that the applicant has a reputation for honesty, truthfulness, fair dealings, and competency, and shall recommend that license be granted to the applicant. If the applicant cannot procure such recommendation for the reason that he has not resided in the county for three (3) years, he may furnish three recommendations from three (3) persons where the applicant may have

resided for three (3) years prior to the filing of his application.

"(c) Every partnership or association in its application shall designate and appoint one of its members as agent broker and every corporation in its application shall designate one of its officers as agent broker. The application of the said partnership, association, or corporation shall be accompanied by an application by such designated agent broker in the same form as individual applications. Upon compliance with all requirements of law by the partnership, association, or corporation as well as by the said designated member or officer, the Commission shall issue a Broker's license to said partnership, association, or corporation, which shall bear the name of such member or officer and thereafter the member or officer so designated shall without payment of any further fee be entitled to perform all the acts of a Real Estate Broker contemplated by the provisions of this Act; provided, however, said license shall entitle such member or officer so designated to act as a Real Estate Broker only as officer or agent of said partnership, association or corporation and not on his own behalf; and provided further, that if in any case the person so designated shall be refused a license by the Commission, or in case such person ceases to be connected with such partnership, association, or corporation, said partnership, association or corporation shall be entitled to designate another person to qualify and act as in the first instance, upon qualification of the designated agent;

"(d) Each and every member or officer of a partnership, association or corporation who acts as a Real Estate Broker, other than the Agent Broker of the partnership, association or corporation shall be required to make application for and take out a separate Broker's license in his own name individually. Should the license of any partnership, association or corporation, or the license of any member or officer thereof, be suspended, revoked or cancelled for violation of any provision of this Act, all other licenses of such concerns and their members and officers may be suspended until the business relationship with the violator is terminated to the satisfaction of the Commission.

"(e) Every application for a Salesman's license shall be made in writing upon a form prescribed by the

Commission and shall contain such information as required in a Broker's application, and shall also set forth a period of time, if any, said applicant has been in such business, stating the name and address of his last employer, the name and place of business of the person or company employing him, and in what capacity he is employed or into whose service he is about to enter. The application shall be accompanied by a certified written statement by the Broker into whose service he is about to enter, certifying that in his opinion the applicant is honest, truthful, and of good reputation, and recommending that the applicant be granted a license. Every application for a salesman's license shall be certified by the applicant.

"(f) Every application for a Real Estate Broker's license or a Salesman's license shall be accompanied by the fee prescribed in this Act. In the event the Commission does not issue the license through no fault of the applicant, the fee shall be returned to the applicant.

"(g) No license shall ever be denied because such applicant or licensee may not devote full time to the real estate business.

"Section 9. Additional Information May Be Required.

"Application for a Real Estate Broker's or Real Estate Salesman's license shall contain such other information as to the applicant, in addition to the above prescribed, as the Commission shall require. The Commission may require such other proof through the application or otherwise as the Commission shall deem desirable with due regard to the paramount interest of the public as to the honesty, truthfulness, integrity and professional competency of the applicant. However, the professional competency of the applicant shall be judged solely on the basis of the written examination referred to in Section 10 of this Act.

"Section 10. Examination.

"In addition to proof of honesty, truthfulness and good reputation of any applicant for a license, each individual applicant and designated agent must pass a written examination conducted by said Commission, or its duly authorized representative, which examination shall be of scope and wording sufficient in the judgment of the Commission to establish the professional competency of the appli-

cant to act as Real Estate Broker or Salesman in such manner as to protect the interests of the public. The Commission shall hold examinations at such times and places as it may determine, except the Commission shall hold said examinations no less frequently than every sixty (60) days. Provided, however, that no individual applicant or designated agent who has held a license for any one of the preceding five years before the application under the Texas Real Estate Act shall be required to take such examination unless such license was suspended, revoked or cancelled for a violation of such Act. The Commission shall furnish in writing to each applicant a number of examination questions with the proper answers thereto at such time in advance of examination as the applicant may designate, not to exceed sixty (60) days, from which the questions to be given on the examination shall be chosen by the Commission. The Commission is authorized to establish educational programs and to procure and furnish personnel, facilities and material for instruction of persons desiring to become Brokers or Salesmen or to improve their proficiency as Brokers or Salesmen, provided that the Commission shall establish such programs on a self-liquidating basis from fees and charges established by the Commission for such instructional service and material. However the Commission shall not require any applicant or licensee to purchase material or attend any school or seminar in order to obtain or retain a license.

"Section 11. Bond.

"Immediately upon approval of the application the applicant shall be notified and before the license shall be issued, a bond executed by the applicant, as principal, and a surety company authorized to do business in this State, as surety, shall be furnished to the Commission in the principal sum of Three Thousand (\$3,000.00) Dollars for a Broker and Two Thousand (\$2,000.00) Dollars for a Salesman, payable to the Commission for the use and benefit of any injured party, and conditioned that the applicant will pay any judgment recovered by any person in any suit for damages or injury caused by a violation of this Act. Every Broker and Salesman holding a license under this Act shall within thirty (30) days after the effective date of this Act, furnish and maintain such bond as a condition to

the continued validity of such license. Provided however that no member of the Commission shall be eligible to act as agent for the writing of the bond as provided for in this Section, neither shall he be eligible to receive any emolument or commission for this service.

"Section 12. Issuance and Custody of License.

"(a) If the Commission is satisfied that the applicant for a Real Estate Broker's or Real Estate Salesman's license is of good business repute and that the business will be conducted in an honest, fair, just and equitable manner, and upon complying with all other provisions of law and conditions of this Act, a license will thereupon be granted by the Commission to the successful applicant therefor as a Real Estate Broker or Real Estate Salesman, and the applicant, upon receiving possession of the license, is authorized to conduct the business of a Real Estate Broker or Real Estate Salesman in this State.

"(b) The Commission shall issue to each licensee a license in such form and size as shall be prescribed by the Commission. This license shall show the name and address of the licensee, and in case of a Real Estate Salesman's license, shall show the name of the Real Estate Broker by whom he is employed. Each license shall have imprinted thereon the seal of the State of Texas, and in addition to the foregoing shall contain such matter as shall be prescribed by the Commission. The license of each Real Estate Salesman shall be delivered or mailed to the Real Estate Broker by whom such Real Estate Salesman may be employed and shall be kept under the custody and control of such Broker.

"(c) The Commission shall prepare and deliver to each licensee a pocket card, which card, among other things, shall contain an imprint of the seal of the State of Texas, and shall certify that the person whose name appears thereon is a licensed Real Estate Broker or Real Estate Salesman, as the case may be; and if it is a Real Estate Salesman's card, it shall also contain the name and address of his employer; the matter to be printed on such pocket card except as above set forth, shall be prescribed by the Commission.

"Section 13. Place of Business.

"(a) Every Real Estate Dealer li-

censed under this Act shall have and maintain a definite place of business in this State, and such place of business may be in a portion of licensee's home set aside for said purpose. The license of the Real Estate Broker shall at all times be prominently displayed in licensee's place of business and a duplicate of said license shall likewise be prominently displayed in all branch offices of the licensee. The said place of business shall be specified in the application for license and designated in the license. However such place of business shall not be in violation of any local laws or deed restrictions which shall be determined by the applicant.

"(b) All Real Estate Brokers shall also prominently display in their place or places of business the license of all Real Estate Salesmen employed by them therein or in connection therewith. All licenses issued to Real Estate Salesmen shall designate the employer of said Salesmen by name.

"(c) Upon change of address of any Broker from that shown in any license held by him or his Salesmen, the Broker shall immediately return such licenses to the Commission together with a fee of Two (\$2.00) Dollars for each license, and the Commission shall issue new licenses for the unexpired term of the returned licenses showing the new address as designated by the Broker.

"Section 14. Change of Employer by Salesman.

"Prompt notice in writing within ten (10) days shall be given to the Commission by any Real Estate Salesman of his change of employer and the name of the new employer into whose service he is about to enter or has entered, and a new license will thereupon be issued by the Commission to such Salesman for the unexpired term of the original license; provided, that such new employer shall be a duly licensed Real Estate Broker. The Real Estate Broker shall at the time of mailing such Real Estate Salesman's license to the Commission, notify the Salesman thereof at the address of such Real Estate Salesman that this license has been mailed or delivered to the Commission. A copy of such communication to the Real Estate Salesman shall accompany the license when mailed or delivered to the Commission. It shall be unlawful for any Real Estate Salesman to perform any of the acts contemplated by this Act, either di-

rectly or indirectly, under the authority of said license and after the date of receipt of said license from said Broker by the Commission; provided, that another license shall not be issued to such Real Estate Salesman until he has returned his former pocket card to the Commission or shall satisfactorily account to the Commission for the same; provided further, that not more than one license shall be issued to any Real Estate Salesman for the same period of time. The Commission shall issue a new license to said Salesman within ten (10) days from date of receipt of the application for transfer and the payment of the transfer fee as provided for herein.

"Section 15. Hearing on Application.

"If the Commission declines or fails to license an applicant, it shall immediately give notice of the fact to the applicant; and upon request from such applicant, filed within ten (10) days after the receipt of such notice, shall fix a time and place for hearing, of which ten (10) days notice shall be given to such applicant, and to other persons interested or protesting, to offer evidence relating to the Real Estate Broker's and/or Salesman's application. In such case the Commission shall fix the time of such hearing on a date within thirty (30) days from receipt of the request for the particular hearing, provided the time of hearing may be continued from time to time with the consent of the applicant. If satisfied as aforesaid as a result of such hearing, the Commission shall thereupon license the Real Estate Broker and/or Salesman if all other provisions of this Act shall have been met.

"Sec. 16. Revocation and Suspension of License.

"The Commission may, upon its own motion, and shall, upon the verified complaint in writing of any person, provided such complaint or such complaint together with evidence, documentary or otherwise, presented in connection therewith, shall provide reasonable cause, investigate the actions of any Real Estate Broker or Real Estate Salesman or any unlicensed person who shall assume to act in either such capacity within this State, and shall have the power to suspend or revoke any license issued under the provisions of this Act at any time when it has been determined that the license has been obtained by false or fraudulent repre-

sentation or where the licensee in performing or attempting to perform any of the acts mentioned here is determined to be guilty of:

"(1) Knowingly making any substantial misrepresentations; or

"(2) Making any false promises with intent to influence, persuade or induce; or

"(3) Pursuing a continued and flagrant course of misrepresentation or the making of false promises through agents or salesmen or advertising or otherwise; or

"(4) Failing to make clear for which party he is acting, or receiving compensation from more than one party, except with the full knowledge and consent of all parties; or

"(5) Failure within a reasonable time to account for and/or remit any moneys coming into his possession which belong to others, or the commingling of moneys belonging to others with his own funds; or

"(6) Procuring a license under this Act for himself or any salesman by fraud, misrepresentation, or deceit; or

"(7) Having been convicted of a felony, knowledge of which the Commission did not have at the time of the last issuance of a license to such licensee; or

"(8) Paying commissions or fees to or dividing commissions or fees with anyone not licensed as a real estate broker or salesman in this or any other State; or

"(9) Using any misleading or untruthful advertising including the use of any trade name or insignia of membership in any real estate organization of which he is not a member; or

"(10) Accepting, receiving or charging any undisclosed commission, rebate or direct profit on expenditures made for a principal; or

"(11) Soliciting, selling or offering for sale real property under any scheme or program to attract purchasers by offering bonuses or discounts or by lottery, or deceptive practices; or

"(12) Acting in the dual capacity of Broker and undisclosed principal in any transaction; or

"(13) Guaranteeing, authorizing or permitting any person to guarantee future profits which may result from a resale of real property; or

"(14) Placing a sign on any property offering it for sale or rent with-

out the consent of the owner or his authorized agent; or

"(15) Inducing any party to a contract of sale or lease to break such contract for the purpose of substituting in lieu thereof a new contract with another principal; or

"(16) Negotiating the sale, exchange or lease of any real property directly with an owner or lessor, knowing that such owner or lessor had a written outstanding contract granting exclusive agency in connection with such property with another real estate broker; or

"(17) Offering real property for sale or for lease without the knowledge and consent of the owner or his authorized agent, or on any terms other than those authorized by the owner or his authorized agent; or

"(18) Publishing advertisements whether printed or by radio, television, display, or any other method which was misleading, or inaccurate in any material respect or as to services of the business conducted or which fails to carry plainly the name of the broker causing such advertisement to be published or displayed; or

"(19) Having knowingly withheld from or inserted in any statement of account or invoice, any statement that made it inaccurate in any material particular; or

"(20) Publishing or circulating any unjustified or unwarranted threats of legal proceedings which tended to or had the effect of harassing competitors or intimidating their customers; or

"(21) Any other conduct, whether of the same or different character than hereinabove specified, which constitutes dishonest dealings; or

"(22) Willfully disregarding or violating any provisions of the law, or of this Act.

"This section of this Act shall not be construed to relieve any person or company from civil liability or from criminal prosecution under this Act or under the laws of this State.

"Upon complaint by affidavit of any creditable person that any licensee under the provisions of this Act has been guilty of, or has committed any of the acts mentioned in this section, the Commission shall, after proper investigation and verification of information contained in the complaint, notify the licensee of the filing of such complaint and the

date a hearing will be had thereon. After hearing, the Commission shall enter such order as to it appears proper under the facts presented. Either party may appeal from that decision to any District Court of the county where such licensee resides, where a trial de novo shall be had, under the rules of procedure governing ordinary civil cases in the District Court.

"Section 17. Unlawful Practice of Law.

"Any license granted under the provisions of this Act shall be cancelled by the Commission upon proof that the licensee, not being licensed and authorized to practice law in this State, for a consideration, reward, pecuniary benefit, present or anticipated, direct or indirect, or in connection with or as a part of his employment, agency, or fiduciary relations, as licensee, draws any deed, note, deed of trust, or will, or any other written instrument that may transfer or anyway affect the title or interest in land, or advises or counsels any person as to the validity or legal sufficiency of any such instrument above mentioned, or as to the validity of title of real estate.

"Section 18. Hearings.

"The Commission shall, before suspending or revoking any license, notify the licensee in writing of any charges made in order to afford such licensee an opportunity to be heard, which notification shall be given at least ten (10) days prior to the date set for the hearing. The Commission shall prescribe the time and place of the hearing. Such written notice may be served by mailing same by registered mail to the last known business address of such licensee. If such licensee be a Salesman, the Commission shall also notify the Real Estate Broker employing him, specifying the charges made against such Real Estate Salesman by sending a notice thereof by registered mail to the Real Estate Broker's last known address. At such hearing, or at any other provided for in this Act, such licensee, any and all persons complaining against him, as well as any other witness whose testimony is relied upon to substantiate the charges made, shall be entitled to be present. He shall also be entitled to present evidence, oral and written, as he may see fit, and as may be pertinent to the in-

quity. The said hearing may be held by the Commission, and the said hearing shall be held, if the applicant or licensee so desires, within the county where the applicant or licensee has his principal place of business. In such hearing all witnesses shall be duly sworn by the person herein authorized to preside, and stenographic notes of the proceedings shall be taken and filed as part of the records in the case. Any party to the proceedings desiring it shall be furnished with a copy of the stenographic notes upon the payment to the Commission of a fee not to exceed Fifty Cents (50¢) per page.

"Section 19. License Prerequisite to Suit for Compensation.

"No person or company engaged in the business of acting in the capacity of a Real Estate Broker or a Real Estate Salesman within this State shall bring or maintain any action in the courts of this State for the collection of compensation for the performance of any of the acts set out in Subdivision (1) of Section 4 hereof, without alleging and proving that such person or company was a duly licensed Real Estate Broker or Salesman at the time the alleged cause of action arose.

"Section 20. Witnesses and Evidence.

"(a) The Commission may require by subpoena or summons issued by the Commission, or any person duly authorized to act for the Commission, addressed to the sheriff or any constable, the attendance and testimony of witnesses and the production of any books, accounts, records, papers and correspondence (except such books of account as are necessary to the continued conduct of the business, which books the Commission shall have the right to examine or cause to be examined at the office of the concern, and to require copies of such portion thereof as may be deemed necessary) touching such matter in question under this Act, which copies shall be verified by affidavit of an officer of such concern and shall be admissible in evidence as provided in Section 25 hereof, relating to any matter which the Commission has authority by this Act to consider or investigate; and for this purpose the Commission, or any person duly authorized by the Commission may sign subpoenas, administer oaths and af-

firmations, examine witnesses and receive evidence. In case of disobedience of any subpoena or of the contumacy of any witness appearing before the Commission, the Commission or the person duly authorized to act for it may invoke the aid of the District Court within whose jurisdiction any witness may be found and such court may thereupon issue an order requiring the person subpoenaed to obey the subpoena or give evidence or produce books, accounts, records, papers, and correspondence touching the matter in question. Any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(b) The Commission, or any person duly authorized by the Commission, may in any investigation cause the deposition of witnesses residing within or without the State to be taken in the manner prescribed for depositions in civil actions under the laws of Texas. Each witness required to attend any hearing provided for in this Act shall receive for each day's attendance the sum of Seven (\$7.00) Dollars and shall receive in addition the sum of Ten Cents (10¢) for each mile traveled by such witness by the usual route going to and returning from the place where his presence is required. All disbursements made in the payments of such fees shall be included in and paid in the same manner as is provided for the payment of other expenses incident to the administration and enforcement of this Act, as hereinbefore provided. The fee for serving the subpoena shall be the same as that paid the sheriff for similar services. The fees, expenses, and costs incurred at or in connection with any hearing may be imposed by the Commission upon any party to the record or may be divided between any and all parties to the record in such proportions as the Commission may determine.

"Section 21. Judicial Review.

"(a) Any Real Estate Broker, or Real Estate Salesman, or any person having a justiciable interest, who is aggrieved by any decision of the Commission may file within thirty (30) days thereafter in the District Court of the county in which he resides, or in the District Court in the county where his principal place of business is situated, a petition against the Commission officially as defendant, alleging therein in brief detail the action and decision complained of and

for an order directing the Commission to license or reinstate the applicant. Upon service of the summons upon the Commission, returnable within ten (10) days from its date, the Commission shall on or before the return day comply or file an answer. The case shall be tried in the District Court de novo, upon its merits, and it shall take a preponderance of the evidence offered before said District Court for the court to enter a judgment. The substantial evidence rule shall not be used, and the right of trial by jury shall be had in all cases when called for.

"(b) The District Courts may, upon application of either party and upon due notice given, advance the case on the docket. From the decision of the District Court, an appeal may be taken to the Court of Civil Appeals by either party, as in other cases, and no bond shall be required of the Commission. A judgment in favor of the defendant shall not bar after one year a new application by the plaintiff for a license, nor shall a judgment in favor of the plaintiff prevent the Commission from thereafter revoking or refusing the license of such person for any proper cause which may thereafter accrue or be discovered. The court shall have full power to dispose of all costs.

"Section 22. License Fees.

"The Commission shall charge and collect the following fees and shall duly pay all fees received into the State Treasury:

"(a) A fee not to exceed Ten (\$10.00) Dollars for the filing of any original or renewal application of a Real Estate Broker, which fee shall include the cost of the issuance of a license if any should be issued. When a license is not issued through no fault of applicant, the filing fee shall be refunded;

"(b) A fee not to exceed Ten (\$10.00) Dollars for the filing of any original or renewal application of a Real Estate Salesman, which fee shall include the cost of the issuance of the license if any should be issued; where license is not issued through no fault of the applicant, the filing fee shall be refunded;

"(c) A fee of Two (\$2.00) Dollars for each duplicate license where the original license is lost or destroyed and an affidavit of such loss is made and filed, or where a duplicate is re-

quired for a branch office in this State;

"(d) A fee of Two (\$2.00) Dollars for each duplicate new license upon transfer of Salesman's license.

"The fees to be paid under paragraphs (a) and (b) of this Section shall be as fixed by the Commission, within the limits prescribed, at least three (3) months prior to December 1st of any year and shall continue to be effective until changed at least three (3) months prior to December 1st of any succeeding year. The fees so fixed shall apply to licenses effective after January 1st following the date the Commission prescribes such fees. Until such fees are so fixed, the rates existing on the effective date of this amendment shall prevail.

"Section 23. Expiration and Renewal.

"All licenses issued under the provisions of this Act shall expire on December 31st of the year for which it is issued, at midnight, and application for the renewal thereof shall be made in such form as the Commission shall prescribe. Applications for renewal of said licenses may be made between the 1st day of October and the 31st day of December.

"Section 24. Custody and Disposition of Funds.

"Upon and after the effective date of this Act, all moneys derived from fees, assessments, or charges under this Act, shall be paid by the Commission into the State Treasury for safekeeping, and shall by the State Treasurer be placed in a separate fund to be available for the use of the Commission in the administration of the Act upon requisition of the Commission. So much of such moneys so paid into the State Treasury as is necessary is hereby specifically appropriated to the Commission for the purpose of paying the salaries and expenses of all persons employed or appointed as provided herein for the administration of this Act, and all other expenses necessary and proper for the administration of this Act, including equipment and maintenance of any supplies for such offices or quarters as the Commission may occupy, and necessary traveling expenses for the Commission or persons authorized to act for it when performing duties hereunder at the request of the Commission. At the end of the State fiscal year, any unused

portion of said funds in said special account, except such funds as may be appropriated to administer this Act pending receipt of additional revenues available for that purpose, shall be set over and paid into the General Revenue Fund. The Comptroller shall, upon requisition of the Commission, from time to time draw warrants upon the State Treasurer for the amount specified in such requisition, not exceeding, however, the amount in such fund at the time of making any requisition; provided, however, that all moneys expended in the administration of this Act shall be specified and determined by itemized appropriation in the General Departmental Appropriation Bill for the Texas Real Estate Commission, and not otherwise.

"Section 25. Admissibility of Certified Documents in Evidence.

"Copies of all papers, instruments, or documents filed in the office of the Commission certified by the Administrator or the Chairman of the Commission under the seal of the State of Texas, shall be admitted to be read in evidence in all courts of law and elsewhere in this State in cases where the original would be admitted in evidence; provided that the court may, for cause shown, require the production of the originals. In any prosecution, action, suit or proceeding before any of the several courts of this State, based upon or arising out of or under the provisions of this Act, a certificate under the seal of the State duly signed by the Commission showing compliance or non-compliance with the provisions of this Act by any Real Estate Broker or Salesman shall be admissible in evidence in any action at law or in equity to enforce the provisions of this Act.

"Section 26. Unlawful Commission.

"It shall be unlawful for any Real Estate Broker or Real Estate Salesman to offer, promise, allow, give, pay or rebate, directly or indirectly, any part or share of his commission or compensation arising or accruing from any real estate transaction, to any person who is not licensed in this or another State as a Broker or Salesman, in consideration of service as a Real Estate Broker or Salesman performed or to be performed by such unlicensed person, and no Real Estate Salesman shall be employed by or accept compensation from any person other than the Broker under whom he is at the time licensed; and it shall

be unlawful for any licensed Real Estate Salesman to pay a commission to any person except through the Broker under whom he is at the time licensed.

"Section 27. Offense Defined and Injunction Authorized.

"(a) Any person who knowingly authorizes, directs, or aids in the publication, advertisement, distribution, or circulation of any false statement or representation concerning any land or subdivision offered for sale or lease, and every person who, with knowledge that any advertisement, pamphlet, prospectus, or letter concerning any land or subdivision contains any written statement that is false or fraudulent, issues, circulates, publishes, or distributes the same, or who shall cause the same to be issued, circulated, published, or distributed, or who, while acting as a Real Estate Broker or Salesman, commingles any funds deposited with him in escrow or in trust or who deposits such funds in any bank in any account which contains funds other than those so deposited with him in escrow or in trust, and any person who, in any respect, wilfully violates or fails to comply with any provisions of this Act, or who in any respect wilfully violates or fails, omits or neglects to obey, observe or comply with any order, permit, decision, demand, or requirement of the Commission authorized by this Act shall be guilty of a misdemeanor and upon conviction therefor shall be sentenced to pay a fine of not more than Five Hundred (\$500.00) Dollars, or to imprisonment in the county jail for not more than one (1) year, or both such fine and imprisonment.

"(b) Whenever in the judgment of the Commission any person has engaged, or is about to engage, in any acts or practices which constitute or will constitute a violation of any provision of this Act, the County Attorney or District Attorney, in the county wherein such violation has occurred or is about to occur, or in the county of the defendant's residence, or the Attorney General, may maintain an action in the name of the State of Texas in the District Court of such county to abate and temporarily and permanently enjoin such acts and practices and to enforce compliance with this Act. The plaintiff shall not be required to give any bond nor shall any court costs be adjudged against the plaintiff.

"Section 28. Contract for Commissions.

"No action shall be brought in any court in this State for the recovery of any commission for the sale or purchase of real estate unless the promise or agreement upon which action shall be brought, or some memorandum thereof, shall be in writing and signed by the party to be charged therewith or by some person by him thereunder lawfully authorized.

"At the time of the execution of any contract of sale of any real estate in this State, the Real Estate Salesman, Real Estate Broker, Real Estate Agent or Realtor shall advise the purchaser or purchasers, in writing, that such purchaser or purchasers should have the abstract covering the real estate which is the subject of the contract examined by an attorney of the purchaser's own selection, or that such purchaser or purchasers should be furnished with or obtain a policy of title insurance; and provided further, that failure to so advise as hereinabove set out shall preclude the payment of or recovery of any commission agreed to be paid on such sale."

Sec. 29. If any section, subsection, sentence, clause or phrase of this Act is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Act. The Legislature hereby declares that it would have passed this Act and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid for any reason.

Sec. 30. The importance of this legislation and the inadequacy of the law hereby amended to protect the public from fraud, misrepresentation, and imposition by Brokers in real estate, creates an emergency and an imperative public necessity that the Constitutional Rule requiring that bills be read on three separate days in each House be suspended; and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was read and was adopted by the following vote:

Yeas—26

Aikin	Fuller
Ashley	Hardeman
Corbin	Hazlewood
Fly	Kazen

Kelley	Roberts
Lane	Rogers
Latimer	of Childress
McDonald	Rogers of Travis
Moffett	Secrest
Moore	Shireman
Owen	Strauss
Parkhouse	Wagon seller
Phillips	Willis
Ratliff	

Nays—2

Bracewell	Martin
	Absent
Colson	Weinert
Lock	

Senate Resolution 366

Senator Parkhouse offered the following resolution:

Whereas, Mrs. Pearl C. Anderson has made the Dallas County Community Chest the recipient of a valuable section of downtown Dallas business property; and

Whereas, Mrs. Anderson and her husband, Doctor John Wesley Anderson, now deceased, for many years contributed to worthy philanthropic endeavors not only in Dallas County but throughout the State of Texas and the United States; and

Whereas, This gift by Mrs. Anderson is one of the largest such contributions ever made to charity in Dallas and will mean a significant and important source of income to the Dallas County Community Chest; and

Whereas, Mrs. Anderson, an outstanding Negro civic leader of Dallas, has given this property to be used by the Dallas County Community Chest Trust Fund "regardless of race, color or creed, for the care of needy men, women and children, and for aiding, reformation or relief of victims of narcotic drugs, intoxicating liquor, released inmates of penal and reformatory institutions, wayward or delinquent children or adults"; and

Whereas, Mrs. Anderson has throughout the years participated as a public-spirited citizen in the affairs of the City of Dallas, and has lived her life as an example of Christianity in its deepest sense; and

Whereas, This gift by Mrs. Anderson will be of tremendous and immeasurable benefit to countless numbers of people in present and future generations; now, therefore, be it

Resolved, That the Senate of Texas wishes to recognize and pay tribute

to Mrs. Pearl C. Anderson, and that a copy of this resolution, properly endorsed, be sent to her as an expression of our deep appreciation.

The resolution was read and was adopted.

Senate Bill 442 on First Reading

Senator Fuller by unanimous consent, moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—30

Aikin	Moore
Bracewell	Owen
Colson	Parkhouse
Corbin	Phillips
Fly	Ratliff
Fuller	Roberts
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Weinert
McDonald	Willis
Moffett	

Absent

Ashley

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Fuller:

S. B. No. 442, A bill to be entitled "An Act making an appropriation to the Judiciary Section Comptroller's Department in the sum of Twenty Thousand Six Hundred and Twenty-five Dollars (\$20,625), or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated, to pay the salary of the District Judge of the 136th Judicial District from the effective date of Senate Bill No. 318, Acts of the Fifty-fourth Legislature, Regular Session, 1955, to the end of the fiscal year ending August 31, 1957; and declaring an emergency."

To the Committee on Finance.

Message from the House

Hall of the House of Representatives,

Austin, Texas,
May 19, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 60, Requesting the Commissioner of Education to continue the committee to plan development of television for educational purposes in Texas.

(With amendment.)

The House has adopted the Conference Committee Report on Senate Bill No. 276 by a division vote.

The House has appointed the following conferees on S. B. No. 3: Banks, Saul, Burkett, Wood, Latimer.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Messages from the Governor

The President laid before the Senate and directed the Reading Clerk to read the following messages received from the Governor today:

Austin, Texas,
May 19, 1955.

To the Members of the Fifty-fourth Legislature.

Last January, when this session convened, I submitted to you certain recommendations designed to cope with the unquestioned need for additional revenue and for expansion of vital state services.

I was hopeful at that time, as I know you were, that our gigantic tasks could be completed within the 120 days suggested by the Constitution. However, I warned then: "This Legislature faces more problems of major import than have confronted any other session during the Twentieth Century."

In good faith, you have considered my recommendations and many others without being able to arrive, as yet, at a solution to our spending and taxing problems.

The discharge of these fundamental duties is not an optional matter. Neither the Legislative Branch nor the Executive Branch can shirk the duty of providing for the fiscal needs of the State. We cannot declare a moratorium on public education. We cannot take a recess from the obligations to care for the aged, the blind, the de-

pendent children, and the mentally ill. We must provide the money for old-age pensions which the people directed us to do last November. We certainly cannot interrupt our program of highway building or other essential activities.

In recognition of the importance of the duties of the Legislature, the people of this State by their votes last November wisely and properly authorized a long overdue increase in the rate of compensation for members of the Legislature. The Fifty-fourth Legislature has, as a result, enjoyed the highest compensation ever received by Texas legislators, the daily rate for the first 120 days being two and one-half times that received by any previous Legislature.

When the Legislature asked the people for this pay increase, the form of the Constitutional Amendment gave assurance that the major tasks could be completed within 120 days. As a consequence, the compensation of members ended on May 10.

While I am convinced that the work of the Legislature could be completed now within one week, or certainly two, I recognize that many individual members may feel that working without pay imposes upon them undue personal hardships despite the higher income provided during the first 120 days. I do not wish to have the necessary business of the State impose any such burden upon anyone.

I am, as I have often stated, personally opposed to the calling of special sessions of the Legislature to transact business which would have been completed during the Constitutional 120 days of the Regular Session.

If, however, a majority of you feel that the present personal financial hardships facing you will not permit the present session to complete its work—and if you so indicate by voting for sine die adjournment—I will call a special session. Such a call for a special session would, as you know, reinstate the \$25 a day rate of compensation for members.

I have tried throughout this session to cooperate with the Legislature by making firm and definite recommendations. I want to continue such cooperation. If you wish to continue this session and complete the important work at hand, I shall be glad to cooperate fully. If, however, it is your wish to conclude this Regular Session and complete the busi-

ness of the State in a special session with pay, then I shall cooperate with you on that.

Respectfully submitted,
ALLAN SHIVERS,
Governor of Texas.

Austin, Texas,
May 19, 1955.

To the Members of the Fifty-fourth Legislature.

Complying with the request contained in Senate Concurrent Resolution No. 69, I am returning herewith Senate Bill No. 346.

Respectfully submitted,
ALLAN SHIVERS,
Governor of Texas.

House Bills and Resolutions on First Reading

The following bills and resolutions, received from the House, were read and were referred to the committees indicated:

H. C. R. No. 157, to Committee on Civil Jurisprudence.

H. C. R. No. 131, to Committee on State Affairs.

H. C. R. No. 160, to Committee on State Affairs.

H. C. R. No. 99, to Committee on State Affairs.

H. C. R. No. 132, to Committee on State Affairs.

H. C. R. No. 154, to Committee on Civil Jurisprudence.

H. C. R. No. 141, to Committee on Civil Jurisprudence.

H. C. R. No. 161, to Committee on Civil Jurisprudence.

H. B. No. 666, to Committee on State Affairs.

H. B. No. 944, to Committee on Water Rights, Irrigation and Drainage.

Conference Committee on Senate Bill 3

The President announced the appointment of the following as a Conference Committee on the part of the Senate on S. B. No. 3: Senators Hardeman, Ashley, Shireman, Ratliff and Kelley.

**House Concurrent Resolutions 131,
132 and 99 Re-referred**

On motion of Senator Rogers of Travis and by unanimous consent, H. C. R. Nos. 131, 132 and 99 were withdrawn from the Committee on State Affairs and re-referred to the Committee on Counties and County Boundaries.

Recess

On motion of Senator Hardeman the Senate at 12:11 o'clock p. m. took recess until 2:30 o'clock p. m. today.

After Recess

The President called the Senate to order at 2:30 o'clock p. m. today.

House Bill 913 on Second Reading

On motion of Senator Latimer and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 913, A bill to be entitled "An Act amending Section 1 of Chapter 84, Acts of 1951, 52nd Legislature of Texas, so as to provide that any county may enter into long term contracts with any agency, district or municipal corporation of the State where revenues derived from such contract by any such agency, district or municipal corporation may be pledged to the payment of revenue bonds issued by any such agency, district or municipal corporation; providing that provisions of this Act shall control when in conflict with other laws and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 913 on Third Reading

Senator Latimer moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 913 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Parkhouse
Ashley	Phillips
Bracewell	Ratliff
Colson	Roberts
Corbin	Rogers
Fuller	of Childress
Hardeman	Rogers of Travis
Kazen	Secrest
Kelley	Shireman
Lane	Strauss
Latimer	Wagonseller
McDonald	Weinert
Moffett	Willis
Owen	

Nays—1

Martin

Absent

Fly	Lock
Hazlewood	Moore

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Moore
Ashley	Owen
Bracewell	Parkhouse
Colson	Phillips
Corbin	Ratliff
Fuller	Roberts
Hardeman	Rogers of Travis
Kazen	Secrest
Kelley	Shireman
Lane	Strauss
Latimer	Wagonseller
McDonald	Weinert
Moffett	Willis

Nays—1

Martin

Absent

Fly	Rogers
Hazlewood	of Childress
Lock	

House Bill 63 on Second Reading

On motion of Senator Hardeman and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 63, A bill to be entitled "An Act amending Chapter 352, General Laws, Regular Session, 53rd Leg-

islature, 1953, so as to declare as abandoned all certified filings heretofore filed with and permits heretofore issued by the Board of Water Engineers and permits hereafter issued by the Texas Water Commission, etc., and declaring an emergency."

The bill was read the second time.

Senator Hardeman offered the following committee amendment to the bill:

Amend H. B. 63 by adding the following language at the end of Section 1:

"Provided, however, that the second paragraph of this section shall not be applicable to any city or other political subdivision of the State of Texas."

The committee amendment was read.

Senator Hardeman offered the following substitute for the committee amendment:

Amend House Bill No. 63, Section 1, by adding a new sentence at the end of paragraph two, page two, line 41, such new sentence to read as follows:

"Provided, however, that under this paragraph the Board of Water Engineers or its successor shall not institute cancellation proceedings or cancel that portion of a water permit or certified filing which authorizes the appropriation of public waters by a city, towns or villages of the State of Texas for municipal and domestic purposes."

The substitute for the amendment was read.

Senator Roberts offered the following amendment to the substitute:

Amend the substitute to the amendment by adding "other political subdivisions" after the word village.

The amendment to the substitute was adopted.

The substitute for the committee amendment was adopted.

Record of Votes

Senators Fly, Martin, Lock and Owen asked to be recorded as voting "nay" on the adoption of the substitute for the committee amendment.

The committee amendment as substituted was then adopted.

On motion of Senator Hardeman and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill, as amended, was passed to third reading.

House Bill 63 on Third Reading

Senator Hardeman moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 63 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—23

Aikin	Moffett
Ashley	Moore
Bracewell	Parkhouse
Corbin	Ratliff
Fuller	Roberts
Hardeman	Secrest
Hazlewood	Shireman
Kazen	Strauss
Kelley	Wagonseller
Lane	Weinert
Latimer	Willis
McDonald	

Nays—7

Fly	Phillips
Lock	Rogers
Martin	of Childress
Owen	Rogers of Travis

Absent

Colson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Fly, Rogers of Travis and Ratliff asked to be recorded as voting "nay" on the final passage of H. B. No. 63.

Message from the House

Hall of the House of Representatives,

Austin, Texas,
May 19, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 69, Authorizing the Enrolling Clerk of the Senate to make certain changes in S. B. 346. Requesting the return of S. B. 346 from the Governor's office.

S. C. R. No. 71, Providing for acceptance by the State of a portrait of Lt. General Ernest Othmer Thompson.

S. C. R. No. 70, Commending the Texas Heritage Foundation.

H. C. R. No. 145, Requesting the Texas Legislative Council to make a study of the regulation of commercial fishing in the fresh waters of this State.

H. C. R. No. 152, Requesting the Texas Legislative Council to study all special funds and accounts within the State Treasury and all local and agency funds outside the Treasury, and the dedication of State revenues.

The House has appointed the following conferees on H. B. No. 757: Huffman, Jackson, J. H., Storey, Ferrell, Hunt.

The House has appointed the following conferees on H. B. No. 739: Bryon, Wood, Crosthwait, Morgan, Kirkham.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives.

Committee Substitute House Bill 374 on Second Reading

Senator Secrest asked unanimous consent to suspend the regular order of business and take up H. B. No. 374 for consideration at this time.

There was objection.

Senator Secrest then moved to suspend the regular order of business and take up H. B. No. 374 for consideration at this time.

The motion prevailed by the following vote:

Yeas—27

Aikin	Moore
Ashley	Owen
Bracewell	Parkhouse
Corbin	Phillips
Fly	Ratliff
Fuller	Roberts
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Strauss
Lock	Wagonseller
McDonald	Weinert
Moffett	Willis

Nays—3

Latimer	Shireman
Martin	

Absent

Colson

The President laid before the Senate on its second reading the following bill:

C. S. H. B. No. 374, A bill to be entitled "An Act prescribing the minimum and maximum salaries that may be paid certain precinct, county, and district officials named in this Act; providing the method of fixing the salaries of these officials; etc.; and declaring an emergency."

The bill was read second time.

Senator Secrest offered the following amendment to the bill:

Amend Committee Substitute House Bill 374 by deleting everything below the enacting clause and substituting in lieu thereof the following:

Section 1. That in each county in the State of Texas having the population of less than twenty thousand inhabitants according to the last preceding Federal census where all county and district officials are compensated on a salary basis, the commissioners' courts shall fix the salaries of the officials named in this Act at not more than Six Thousand Seven Hundred Fifty Dollars (\$6,750.00) per annum; provided, however, that no salary shall be set at a figure lower than that actually paid for the calendar year 1954.

Sec. 2. In each county in the State of Texas having a population of at least twenty thousand and not more than forty-six thousand inhabitants according to the last preceding Fed-

eral census, the commissioners courts shall fix the salaries of the county and district officials named in this Act at not more than Eight Thousand Five Hundred Dollars (\$8,500.00) per annum; provided, however, that no salary shall be set at a figure lower than that actually paid for the calendar year 1954.

Sec. 3. In each county in the State of Texas having a population of at least forty-six thousand and one and not more than ninety-eight thousand inhabitants according to the last preceding Federal census, the commissioners' courts shall fix the salaries of the county and district officials named in this Act at not more than Ten Thousand Dollars (\$10,000.00) per annum; provided, however, that no salary shall be set at a figure lower than that actually paid for the calendar year 1954.

Sec. 4. In each county in the State of Texas having a population of at least ninety-eight thousand and one and not more than three hundred thousand inhabitants according to the last preceding Federal census, the commissioners' courts shall fix the salaries of the county and district officials named in this Act at not more than Eleven Thousand Dollars (\$11,000.00) per annum; provided, however, that no salary shall be set at a figure lower than that actually paid for the calendar year 1954.

Sec. 5. In each county in the State of Texas having a population of at least three hundred thousand and one and less than six hundred thousand inhabitants according to the last preceding Federal census, the commissioners' courts shall fix the salaries of the county and district officials named in this Act at not more than Twelve Thousand Dollars (\$12,000.00) per annum; provided, however, that no salary shall be set at a figure lower than that actually paid for the calendar year 1954.

Sec. 6. The provisions of this Act shall be applicable to district clerks, county clerks, county judges, judges of the county courts at law, judges of the county criminal courts, judges of the county probate courts, judges of the county domestic relations courts, county treasurers, criminal district attorneys, inspectors of hides and animals, sheriffs, assessors and collectors of taxes, county attorneys, county commissioners, sheriffs who also perform the duties of assessor-collector of taxes, county clerks who

also perform the duties of district clerks, and county commissioners who act as road commissioners.

Sec. 7. All other salary and compensation laws applicable to the compensation of the officials named in this Act are hereby repealed with the exception of those laws which provide for extra compensation for county judges who serve as members of the juvenile boards and for county judges who also serve as ex-officio county superintendents, and providing further that this Act shall not repeal any statute which allows the assessors and collectors of taxes additional or supplemental salaries for services performed in the administration of the Certificate of Title Act. Further, the provisions of this Act are not to be construed as repealing any valid road and bridge law of any county in this State.

Sec. 8. The salaries of the officials named in this Act shall be paid out of the Officers' Salary Fund of their respective counties with the exception that the salaries of county commissioners and county judges may be paid in accordance with the provisions of Section 2 of House Bill No. 84, Acts of the 49th Legislature, Regular Session, 1945 (Article 2350(1) of Vernon's Civil Statutes).

Sec. 9. In arriving at the compensation to be paid the officials governed by the provisions of this Act the commissioners' courts shall consider the financial condition of their respective counties and the duties and needs of their officials, but in no event shall any commissioners' court set the salary of any official at a figure in excess of the maximum compensation prescribed for the officials of that county by this Act.

Sec. 10. All of the fees and commissions earned and collected by the officials named in this Act shall be paid into the county treasury in accordance with the provisions of Section 61 of Article XVI of the Constitution of Texas.

Sec. 11. In setting the compensation of the officials named within the provisions of this Act the county commissioners shall not set their own salaries at a figure higher than the compensation of the highest paid official within their respective counties.

Sec. 12. If any section, subsection, paragraph, clause, phrase, or word in this Act is held invalid, such holding shall not affect the validity of the remaining portions of the Act and the Legislature hereby declares that

it would have passed such remaining portions in spite of such invalidity.

Sec. 13. The inadequacy of the present laws relating to the compensation of county officials in counties where all county officials are compensated on a salary basis, the fact that many of the present salary laws are unconstitutional, and the further fact that most county officials receive inadequate salaries for their services, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be and the same is hereby suspended and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

The amendment was read.

Senator Lane offered the following amendment to the amendment:

Amend floor amendment No. 1 to Committee Substitute to House Bill 374 by deleting in each paragraph where it occurs the words: "for calendar year 1954" and inserting in lieu thereof the following: "on the effective day of this Act."

LANE
WILLIS

The amendment to the amendment was adopted.

Senator Strauss offered the following amendment to the amendment:

Amend the amendment to H. B. 374 by adding a new section to read as follows:

"Section 12-a. Provided further that the Commissioners Court shall provide suitable office space for any justice of peace in cases where the fees of office earned by such Justice of Peace are in excess of the amount of salary paid to such Justice of Peace."

The amendment was read.

Senator Secrest raised the point of order that the amendment by Senator Strauss is not germane to the bill in that amendment attempts to regulate office space for Justices of the Peace whereas the bill relates to salaries and compensation of certain named officials not including Justices of the Peace.

The President sustained the point of order.

Senator Fuller offered the following amendment to the amendment:

Amend floor amendment No. 1 to

H. B. No. 374 by striking out all of Sec. 11 and adding in lieu thereof the following:

In setting the compensation of the officials named herein the County Commissioners Court shall not fix their own salaries at any higher rate by percentage than fixed for other officials named in this Act.

The amendment to the amendment was adopted.

Senator Shireman offered the following amendment to the amendment:

Amend floor amendment No. 1, H. B. 374, by adding a new section to follow immediately after Section 11, and to be numbered Section 12, and renumbering all succeeding sections, which shall read as follows:

Section 12. The Commissioners Court shall not exercise the authority vested in said Court by virtue of this Act, except at regular meeting of said Court and after ten (10) days notice published in a paper of general circulation in the county to be affected thereby of the intended salaries to be raised and the amount of such proposed raise.

The amendment to the amendment was adopted.

The amendment as amended was then adopted.

On motion of Senator Secrest and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended passed to third reading.

Record of Vote

Senator Martin asked to be recorded as voting "Nay" on the passage of C. S. H. B. No. 374 to third reading.

Committee Substitute House Bill 374 on Third Reading

Senator Secrest moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 374 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Colson
Ashley	Corbin
Bracewell	Fly

Fuller	Phillips
Hardeman	Ratliff
Hazlewood	Roberts
Kazen	Rogers
Kelley	of Childress
Lane	Rogers of Travis
Lock	Secrest
McDonald	Strauss
Moffett	Weinert
Parkhouse	Willis

Nays—3

Latimer	Shireman
Martin	

Absent

Moore	Wagonseller
Owen	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Vote

Senator Martin asked to be recorded as voting "Nay" on the final passage of C. S. H. B. No. 374.

Reports of Standing Committees

Senator Lane by unanimous consent submitted the following report:

Austin, Texas,
May 19, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. C. R. No. 67, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Senator Kelley by unanimous consent submitted the following reports:

Austin, Texas,
May 19, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water Rights, Irrigation and Drainage, to whom was referred H. H. No. 878, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KELLEY, Chairman.

Austin, Texas,
May 19, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water Rights, Irrigation and Drainage, to whom was referred H. B. No. 944, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KELLEY, Chairman.

House Bill 680 on Second Reading

On motion of Senator Kelley and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 680, A bill to be entitled "An Act creating under Article XVI, Section 59, of the Constitution of Texas, a Conservation and Reclamation District to be known as 'City of McAllen Authority,' describing the territory embraced in the boundaries of said district, defining and prescribing the rights, privileges, powers and functions of said district, and declaring an emergency."

The bill was read the second time.

Senator Kelley offered the following committee amendment to the bill:

Amend H. B. 680 by inserting after the words "electric transmission line" appearing in Section 6 the words "communication properties and facilities."

The committee amendment was adopted.

Senator Kelley offered the following committee amendment to the bill:

Amend H. B. 680 by striking out words and figures "Twenty-five Thousand Dollars (\$25,000)," in line 3, Sec. 7, page 6, of said bill, and substituting in lieu thereof the following: "Two Thousand Dollars (\$2,000.00)."

The committee amendment was adopted.

On motion of Senator Kelley and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

House Bill 680 on Third Reading

Senator Kelley moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 680 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moore
Ashley	Owen
Bracewell	Parkhouse
Corbin	Phillips
Fly	Ratliff
Fuller	Roberts
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Shireman
Lock	Strauss
Martin	Wagonseller
McDonald	Weinert
Moffett	Willis

Absent

Colson	Latimer
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Moore
Ashley	Owen
Bracewell	Parkhouse
Corbin	Phillips
Fly	Ratliff
Fuller	Roberts
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Weinert
McDonald	Willis
Moffett	

Absent

Colson

Bills and Resolutions Signed

The President signed in the presence of the Senate, after the captions had been read, the following enrolled bills and resolutions:

H. B. No. 85, A bill to be entitled "An Act amending Subsection 1(b) of Section 8, Chapter 42, Acts of the Forty-first Legislature, Second Called Session, as amended, relating to the speed of vehicles on highways; defining certain additional terms; changing the prima facie lawful speed limits for certain classes of vehicles operated under certain conditions; and declaring an emergency."

H. B. No. 811, A bill to be entitled "An Act redistricting and changing the boundaries of the 70th and 109th Judicial Districts of Texas; amending subdivisions 70 and 109 of Article 199, Title 8 of the Revised Civil Statutes of Texas, 1925, as amended; prescribing the powers, duties and compensation of the judges and other officials of said courts; making other provisions relating to the function and business of said courts; providing a severability clause; providing a repealing clause; and declaring an emergency."

H. B. No. 876, A bill to be entitled "An Act to amend Section 1 of House Bill No. 267, Acts 1953, 53rd Legislature, Regular Session, being Chapter 120 of the General and Special Laws, 1953, as amended so as to include Blanco County in the provisions thereof; providing for the effective date and duration of this Act; and declaring an emergency."

H. B. No. 898, A bill to be entitled "An Act constituting a local law for the maintenance of public highways for Harris County, to become operative after an election shall have been held and carried in said County; authorizing the Tax Collector of Harris County to collect certain amounts of money from owners of vehicles in the County; etc.; and declaring an emergency."

H. B. No. 929, A bill to be entitled "An Act constituting a local law for the maintenance of Public Highways for Hidalgo County, to become operative after an election shall have been held and carried in said county; etc., and declaring an emergency."

H. B. No. 935, "Authorizing the Commissioners Court of any county of this State having a river flowing through or forming a part of its boundary to expend county funds for the purpose of making surveys of water resources upon approval of

such expenditure at an election; providing for the election; providing a saving clause; and declaring an emergency."

H. J. R. No. 15, "A Joint Resolution proposing an amendment to the Constitution of the State of Texas by amending Article VII, Sections 17 and 18, providing a method of payment for the construction and equipment of buildings and other permanent improvements at state institutions of higher learning and repealing Chapter 330, Acts, Regular Session, Fifty-third Legislature; and proposing an amendment to Article VII of the Constitution of the State of Texas by adding a new section after Section 11 thereof to be designated as Section 11a, providing for the improved support of The University of Texas and the Agricultural and Mechanical College of Texas from a source other than tax revenue by providing for the broader investment of the Permanent University Fund in corporate bonds and stocks under certain conditions and limitations; providing for an election and the issuance of a proclamation therefor."

H. J. R. No. 9, Proposing an amendment to Section 11 of Article I of the Constitution of the State of Texas by adding a new subsection to be designated as Section 11a, providing that a court, judge or magistrate may deny bond to a person charged with a felony who has been convicted of two (2) previous felonies; providing for the submission of the proposed amendment to a vote of the people and for proclamation and publication thereof.

Motion to Place House Bill 9 on Second Reading

Senator Parkhouse asked unanimous consent to suspend the regular order of business and take up H. B. No. 9 for consideration at this time.

There was objection.

Senator Parkhouse then moved to suspend the regular order of business and take up H. B. No. 9 for consideration at this time.

The motion was lost by the following vote:

Yeas—13

Aikin
Bracewell

Corbin
Latimer

Martin	Secrest
Moore	Shireman
Parkhouse	Wagonseller
Phillips	Willis
Roberts	

Nays—15

Ashley	McDonald
Colson	Moffett
Fly	Ratliff
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Lane	Strauss
Lock	Weinert

Absent

Fuller	Owen
Kelley	

Senate Resolution 367

Senator Colson offered the following resolution:

Whereas, The Senate of the 54th Legislature of Texas is honored to have in the gallery today the Senior Class of the New Waverly High School, New Waverly, Texas, accompanied by their sponsor, Mrs. W. D. Underwood; and

Whereas, These students have come to their Capital City to see the famed and historic red granite Capitol Building; and

Whereas, It is inspiring to know that these fine young citizens desire more firsthand knowledge about the administration of their State Government; and

Whereas, The future of America and Texas lies in the youth of our land; now, therefore, be it

Resolved, That these guests be officially welcomed and recognized by the Senate; that they be commended for the great interest which they are showing in their State Government and that they be furnished with an official copy of this resolution.

The resolution was read and was adopted.

Senator Colson, by unanimous consent, presented the students and Mrs. Underwood to the Members of the Senate.

Senate Bill 10 with House Amendments

Senator Fly called S. B. No. 10 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Fly moved that the Senate concur in the House amendments.

The motion prevailed.

House Bill 663 on Second Reading

On motion of Senator Wagonseller, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 663, A bill to be entitled "An Act relating to the regulation of the wildlife resources of certain counties of the State; amending Sections 1, 8, and 14 of Chapter 125, Acts of the 52nd Legislature, 1951, by adding Bell, Bosque, Coryell, Hill, Johnson, McLennan and Somervell Counties to the list of counties subject to its provisions, by changing the number of members of the Game and Fish Commission constituting a quorum for the adoption of orders, rules and regulations thereunder, and by changing the provisions for forfeiture of licenses to conform to Article 893 of the Penal Code of Texas, 1925, as amended; repealing certain laws; providing for the operative date of this Act; providing for severability; and declaring an emergency."

The bill was read second time.

Senator Wagonseller offered the following committee amendment to the bill:

Amend the caption of House Bill 663 by inserting after the word "Somervell" and before the word "Counties" in the fifth line, the following: "Milam, Montague and Clay"

The committee amendment was adopted.

On motion of Senator Wagonseller, and by unanimous consent the caption was amended to conform to the body of the bill, as amended.

The bill, as amended, was passed to third reading.

Record of Vote

Senator Hardeman asked to be recorded as voting "nay" on the passage of H. B. No. 663 to third reading.

House Bill 663 on Third Reading

Senator Wagonseller moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 663 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Moore
Ashley	Owen
Bracewell	Parkhouse
Colson	Ratliff
Corbin	Roberts
Fly	Rogers
Fuller	of Childress
Hazlewood	Rogers of Travis
Kazen	Secrest
Kelley	Shireman
Lane	Strauss
Lock	Wagonseller
McDonald	Weinert
Moffett	Willis

Nays—1

Hardeman

Absent

Latimer	Phillips
Martin	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—24

Aikin	Moore
Ashley	Owen
Bracewell	Parkhouse
Colson	Ratliff
Corbin	Roberts
Fuller	Rogers of Travis
Kazen	Secrest
Kelley	Shireman
Lane	Strauss
Lock	Wagonseller
McDonald	Weinert
Moffett	Willis

Nays—4

Fly	Rogers
Hardeman	of Childress
Martin	

Absent

Hazlewood	Phillips
Latimer	

Senate Resolution 368

Senator Hazlewood offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, the Senior Class of Shamrock High School, Shamrock, Texas, accompanied by their teacher, Mrs. Milton B. Connolly; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State Government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Hazlewood, by unanimous consent, presented the students and Mrs. Connolly to the Members of the Senate.

(Senator Hardeman in the Chair.)

House Bill 709 on Second Reading

Senator Rogers of Travis asked unanimous consent to suspend the regular order of business and take up H. B. No. 709 for consideration at this time.

There was objection.

Senator Rogers of Travis then moved to suspend the regular order of business and take up H. B. No. 709 for consideration at this time.

The motion prevailed by the following vote:

Yeas—23

Aikin	Moore
Ashley	Owen
Colson	Parkhouse
Corbin	Phillips
Fuller	Roberts
Hazlewood	Rogers
Kazen	of Childress
Kelley	Rogers of Travis
Lane	Secrest
Lock	Shireman
McDonald	Wagonseller
Moffett	Willis

Nays—7

Bracewell	Martin
Fly	Strauss
Hardeman	Weinert
Latimer	

Absent

Ratliff

The Presiding Officer laid before the Senate on its second reading and passage to third reading the following bill:

H. B. No. 709, A bill to be entitled "An Act amending Section 1 of House Bill No. 603, Chapter 500, Acts 52nd Legislature, 1951, as amended, so as to define the term 'political subdivision'; and declaring an emergency."

The bill was read second time.

Senator Lock offered the following amendment to the bill:

Amend H. B. 709 by adding a new sentence at the end of subsection (h):

"Any such instrumentality of a state may contribute to the federal government for social security purposes only such funds as are specifically appropriated therefor."

The amendment failed of adoption by the following vote:

Yeas—15

Ashley	McDonald
Bracewell	Moffett
Fly	Moore
Fuller	Parkhouse
Hardeman	Rogers
Latimer	of Childress
Lock	Strauss
Martin	Weinert

Nays—15

Aikin	Phillips
Colson	Roberts
Corbin	Rogers of Travis
Hazlewood	Secrest
Kazen	Shireman
Kelley	Wagonseller
Lane	Willis
Owen	

Absent

Ratliff

Senator Fly offered the following amendment to the bill:

Amend H. B. 709 by adding a new section after Section 1 to be called Section 1a.

It is expressly provided that any employee or teacher who should become covered by the provisions of Social Security under this Act, shall not be allowed to participate in the extended provisions of the Retirement

System under S. B. 290 of the 54th Legislature.

On motion of Senator Rogers of Travis the amendment was tabled by the following vote:

Yeas—16

Aikin	Owen
Colson	Phillips
Corbin	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Wagonseller
McDonald	Willis
Moore	

Nays—14

Ashley	Martin
Bracewell	Moffett
Fly	Parkhouse
Fuller	Roberts
Hardeman	Shireman
Latimer	Strauss
Lock	Weinert

Absent

Ratliff

Senator Lock offered the following amendment to the bill:

Amend H. B. 709 by adding a new sentence at the end of subsection "h" to read as follows:

"No contract shall be made by the State Department of Welfare with any such instrumentality of a State and no state funds shall be used therefor without specific authorization by the Legislature."

The amendment was adopted.

Senator Martin offered the following amendment to the bill:

Amend H. B. 709 by adding a new section to be known as Section 1A, to read as follows:

Section 1A. Any agreement entered into by the "political subdivision" and the Federal government shall include a provision that no action of the Federal government shall ever impair or impede the retirement program of this State or its political subdivisions.

The amendment was adopted.

Senator Rogers of Travis moved to reconsider the vote by which the amendment by Senator Lock to H. B. No. 709 was adopted.

Question—Shall the vote by which

the amendment by Senator Lock to H. B. No. 709 was adopted be reconsidered?

Adjournment

Senator Kazen moved that the Senate stand recessed until 10:30 o'clock a. m. tomorrow.

Senator Martin moved that the Senate stand adjourned until 10:30 o'clock a. m. tomorrow.

Question first on the motion to adjourn until 10:30 o'clock a. m. tomorrow, the motion prevailed.

Accordingly, the Senate at 5:12 o'clock p. m. adjourned until 10:30 o'clock a. m. tomorrow.

SIXTY-FOURTH DAY

(Friday, May 20, 1955)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Moffett
Ashley	Moore
Bracewell	Owen
Colson	Parkhouse
Corbin	Phillips
Fly	Ratliff
Fuller	Roberts
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Willis
McDonald	

Absent—Excused

Weinert

A quorum was announced present.

Senator Hardeman offered the invocation as follows:

We thank Thee our Father for this opportunity for service to our State, never forgetting our responsibility to Thee, Our Maker, who guides the destinies of men everywhere. Give us strength, in Thy might, to meet and resolve our problems for the benefit